

The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 4] NEW DELHI, MONDAY, MARCH 5, 1962/PHALGUNA 14, 1883

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 5th March, 1962/Phalguna 14, 1883 (Saka)

THE GOA, DAMAN AND DIU (ADMINISTRATION)
ORDINANCE, 1962

NO. 2 OF 1962

Promulgated by the President in the Thirteenth Year of the
Republic of India.

An Ordinance to provide for the administration of the Union
territory of Goa, Daman and Diu and for matters connected
therewith.

WHEREAS the territories comprised in Goa, Daman and Diu have
been acquired with effect from the twentieth day of December, 1961,
and have, by virtue of sub-clause (c) of clause (3) of article 1 of the
Constitution, been comprised within the territory of India;

AND WHEREAS it is expedient to make provision for the adminis-
tration of the said territories;

AND WHEREAS Parliament is not in session and the President is
satisfied that circumstances exist which render it necessary for him
to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause
(1) of article 123 of the Constitution, the President is pleased to
promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Goa, Daman and Diu Short title
and
commencement.
(Administration) Ordinance, 1962.

(2) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

- “Administrator” means the Administrator of Goa, Daman and Diu;
- “appointed day” means the twentieth day of December, 1961;
- “Goa, Daman and Diu” means the Union territory of Goa, Daman and Diu.

Officers and functionaries in relation to Goa, Daman and Diu.

3. Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary for the administration of Goa, Daman and Diu, all judges, magistrates and other officers and authorities who, immediately before the commencement of this Ordinance, were exercising lawful functions in connection with the administration of Goa, Daman and Diu or any part thereof shall, unless otherwise directed at any time by the Central Government in relation to any such judge, magistrate or other officer or authority, or until other provision is made by law, continue to exercise in connection with such administration their respective functions in the same manner and to the same extent as before such commencement with such altered designation, if any, as that Government may determine.

Continuance of existing laws and their adaptation.

4. (1) All laws in force immediately before the appointed day in Goa, Daman and Diu or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority.

(2) For the purpose of facilitating the application of any such law in relation to the administration of Goa, Daman and Diu as a Union territory and for the purpose of bringing the provisions of any such law into accord with the provisions of the Constitution, the Central Government may within two years from the appointed day, by order, make such adaptations and modifications, whether by way of repeal or amendment, as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made.

Power to extend enactments to Goa, Daman and Diu.

5. The Central Government may, by notification in the Official Gazette, extend with such restrictions or modifications as it thinks fit, to Goa, Daman and Diu any enactment which is in force in a State at the date of the notification.

Power to construe laws.

6. For the purpose of facilitating the application of any law in relation to Goa, Daman and Diu, any court or other authority may construe any such law in such manner not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

7. (1) All things done and all action taken (including any acts of executive authority, proceedings, decrees and sentences) in or with respect to Goa, Daman and Diu, on or after the appointed day and before the commencement of this Ordinance, by the Administrator or any other officer of Government, whether civil or military, or by any other person acting under the orders of the Administrator or such officer, which have been done or taken in good faith and in a reasonable belief that they were necessary for the peace and good government of Goa, Daman and Diu, shall be as valid and operative as if they had been done or taken in accordance with law.

Validation of certain action and indemnity of officers for certain acts.

(2) No suit or other legal proceeding whatsoever, whether civil or criminal, shall lie in any court of law against the Administrator or any other officer of Government, whether civil or military, or against any other person acting under the orders of the Administrator or such other officer for, or on account of, or in respect of, anything done or any action taken in Goa, Daman and Diu or any part thereof on or after the appointed day and before the commencement of this Ordinance, which has been done or taken in good faith and in a reasonable belief that it was necessary for the peace and good government of Goa, Daman and Diu:

Provided that if any such suit or other legal proceeding has been instituted before the commencement of this Ordinance, it shall, on such commencement, abate.

8. (1) If any difficulty arises in giving effect to the provisions of this Ordinance or in connection with the administration of Goa, Daman and Diu, the Central Government may, by order, make such further provision as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such power shall be exercised after the expiry of two years from the appointed day.

(2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed day.

RAJENDRA PRASAD,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.

